

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RICHARD SEARS,**  
**Plaintiff**

**v.**

**DANTE MCCOY, et al.,**  
**Defendants**

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**No. 1:17-cv-00869**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 26th day of January 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendant McCoy's motion for summary judgment (Doc. No. 48) is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. The motion (Doc. No. 48) is **DENIED** with respect to Plaintiff's First Amendment retaliation claim;
  - b. The motion (Doc. No. 48) is **GRANTED** with respect to Plaintiff's remaining state law tort claims, and the Clerk of Court is directed to defer the entry of judgment in favor of Defendant McCoy on these claims until the conclusion of the above-captioned proceedings; and
2. Within twenty-one (21) days of the date of this Order, the parties are directed to provide a joint status report to the Court addressing whether they are amenable to the Court referring the above-captioned case to mediation.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania